

CHAPTER NO. 164

HOUSE BILL NO. 3421

By Representative McKee

Substituted for: Senate Bill No. 3415

By Senator Elsea

AN ACT to amend Chapter 455 of the Private Acts of 1953, as amended by Chapter 105 of the Private Acts of 1959, Chapter 136 of the Private Acts of 1971, Chapter 121 of the Private Acts of 1986, Chapter 25 of the Private Acts of 1997, and all other acts amendatory thereto, relative to the charter of the City of Athens.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Article IV of Chapter 455 of the Private Acts of 1953, is amended by deleting Sections 4 and 5 in their entirety and by replacing the language with the following new Article IV, Sections 4 and 5:

Section 4. BE IT FURTHER ENACTED, That the terms of all City Councilmen shall begin on the third Tuesday in November following the date of their election.

Section 5. BE IT FURTHER ENACTED, That a non-partisan municipal election shall be held in the City on the first Tuesday following the first Monday in November of each even-numbered year. The incumbent councilmen whose terms expire in July of 1999 shall have their terms extended to the third Tuesday in November of 2000. The incumbent councilmen whose terms expire in July 2001 shall have their terms extended to the third Tuesday in November of 2002. Ties will be resolved by a flip of the coin. The councilmen shall be elected to terms of four (4) years or until their successors are elected and qualified.

SECTION 2. Article IV, Section 7, of Chapter 455 of the Private Acts of 1953, as amended by Chapter 105 of the Private Acts of 1959, and all other acts amendatory thereto is further amended by deleting Subsections (1) and (3) in their entirety and by replacing the language with a new Article IV, Section 7, Subsections (1) and (3), as follows:

(1) A recall of an incumbent of an elective office shall be initiated upon petition signed by the registered voters of the City of Athens. All councilmen currently in office or hereafter elected shall be subject to recall and the petition shall contain signatures equal in number to at least twenty percent (20%) of the registered voters for the City of Athens on the date of the city election preceding the filing of the petition. Every recall petition shall name the officer against whom it is directed.

(3) A recall petition shall be tendered for filing to the McMinn County Commissioners of Elections. Those persons filing a recall petition shall also file a cash bond with the McMinn County Election Commission, equal to the cost of the proposed recall election. The cash bond or the unused portion thereof shall be refunded to those persons if the recall petition is determined to be invalid, the incumbent resigns before the Election Commission calls the recall election, or before the election is held. If the vote for recall is successful and the named incumbents are removed from office, the cost of the election shall become an

obligation of the City and the cash bond shall be refunded. The Election Commission shall examine the petition to see whether it contains a sufficient number of apparently genuine signatures. The board may question the genuineness of any signature or signatures appearing on the recall petition and if it shall find that any such signature or signatures are not genuine, it shall disregard them in determining whether the petition contains a sufficient number of signatures. It shall also disregard any signature dated more than sixty (60) days before the date of the petition was tendered for filing. The board shall eliminate any sheet of the petition which is not accompanied by the required affidavit. The invalidity of any sheet of the petition shall not affect the validity of the petition if a sufficient number of signatures remains after eliminating such an invalid sheet. The board shall complete its examination of the petition within fifteen (15) days and shall thereupon file the petition if valid or reject it if invalid.

SECTION 3. Article V, Section 4, of Chapter 455 of the Private Acts of 1953, as amended by Chapter 136 of the Private Acts of 1971, Chapter 121 of the Private Acts of 1986, and all other acts amendatory thereto, is further amended by deleting Section 4 in its entirety and replacing the language with a new Article V, Section 4, as follows:

Section 4. BE IT FURTHER ENACTED, That the salary of the Mayor shall be two hundred fifty dollars (\$250) per month; and the salary of the councilmen shall be two hundred dollars (\$200) per month; and further that the monthly salaries may be adjusted annually at the same percentage rate as given to the full-time employees of the city.

SECTION 4. Article XX, Section 5 of Chapter 455 of the Private Acts of 1953, as amended by Chapter 25 of the Private Acts of 1997, and all other acts amendatory thereto, is further amended by deleting Section 5 in its entirety and replacing the language with a new Article XX, Section 5, as follows:

Section 5. BE IT FURTHER ENACTED, That at the regular election for the City Council for the City of Athens on the first Tuesday following the first Monday in November of each even-numbered year three (3) members of the Board of Education shall be elected for terms of four (4) years and until their successors are elected and qualified. The incumbent Board of Education members whose terms expire in July of 1999 shall have their terms extended to the third Tuesday in November of 2000. The incumbent Board of Education members whose terms expire in July of 2001 shall have their terms extended to the third Tuesday in November of 2002. The terms of all newly-elected members of the Board of Education shall begin on the third Tuesday of November in the year they were elected.

SECTION 5. Article XXI, Section 4, of Chapter 455 of the Private Acts of 1953, as amended by Chapter 136 of the Private Acts of 1971, and all other acts amendatory thereto, is further amended by deleting Paragraph 4 in its entirety and replacing the language with a new Article XXI, Section 4, Paragraph 4, as follows:

The chairman shall receive a salary for his services of two hundred fifty dollars (\$250) per month; and the other commissioners shall receive a salary for their services of two hundred dollars (\$200) per month; and further that the salaries may be adjusted annually at the same percentage rate as received by the full-time employees of the Athens Utilities Board.

SECTION 6. Nothing in this act shall be construed as having the effect of altering the salary of any incumbent prior to the end of the term for which such public officer was elected.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the City Council of the City of Athens within sixty (60) days of its signing by the Governor of this State. The approval or non-approval of the act by the City Council shall be certified by the Mayor of the City of Athens to the Secretary of State.


SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 7.

PASSED: April 27, 1998


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 7th day of May 1998


DON SUNDQUIST, GOVERNOR